



DEPARTMENT OF THE ARMY
UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND
FREEDOM OF INFORMATION/PRIVACY OFFICE
FORT GEORGE G. MEADE, MARYLAND 20755-5995

February 7, 1990

REPLY TO
ATTENTION OF:

FOI/Privacy Office

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, MD 21701

Dear Mr. Weisberg:

This is in reply to your letter of January 19, 1990, which was received in this office on January 24, 1990.

First, let me explain that the primary system of records maintained at the U.S. Army Investigative Records Repository (AIRR) is the U.S. Army Intelligence and Security Command investigative files. These files consist primarily of reports relating to intelligence and counterintelligence investigations. Access to the files is through a computerized index known as the Defense Clearance and Investigations Index (DCII).

A check was made of the DCII to determine the existence of any Army intelligence investigative records responsive to your request of January 3, 1990. As indicated in our reply of January 17, 1990, our checks for Army investigative records relating to the Kennedy assassination and Harold Weisberg were met with negative results. The DCII was also queried under the name of "Howard" Weisberg, since your name did appear in this manner in the records referred by the Federal Bureau of Investigation (FBI) and the result of this check was also negative.

With regard to your concern of the disclosure of information on you contained in the Nancy HAYCOCK records; please be advised that if this command received a request for information pertaining to you our response to that request would be that we have no record, as your name is not cross-referenced in the DCII to the HAYCOCK file. Although the FBI has apparently cross-referenced your name to the HAYCOCK records maintained by them, the Army did not.

In your letter, you state that since Army has now confirmed the destruction of records on the assassination of President Kennedy you would like copies relating to that destruction along with any records granting the authority to destroy records of such historical value. In our letter of January 17, 1990, we advised you that a current check at this command failed to reveal a file on the assassination of President Kennedy. Our letter did not indicate that Army files relating to that incident had been destroyed.

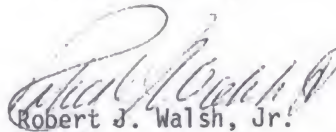
In an attempt to respond to your request as to the disposition of any records relating to the Kennedy assassination, we have checked with the Archivist, here at the AIRR (the custodian of the Army intelligence investigative records) and also the National Archives and Records Service (NARS) in

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Washington, DC, to determine if any record exists regarding the destruction or transfer of an Army intelligence file on the assassination of President Kennedy. Attached is an extract of a report of the "Select Committee on Assassinations, U.S. House of Representatives" dated March 29, 1979, which provides information responsive to your request (Enclosure 1).

If you have any further questions regarding this action, please feel free to contact this office at any time. Please refer to case #083F-90.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Robert J. Walsh, Jr.", is written over the typed name.

Robert J. Walsh, Jr.
Chief
Freedom of Information/Privacy Office

Enclosure

Union Calendar No. 962

95th Congress, 2d Session

House Report No. 95-1828, Part 2

REPORT
OF THE
SELECT COMMITTEE ON ASSASSINATIONS
U.S. HOUSE OF REPRESENTATIVES
NINETY-FIFTH CONGRESS
SECOND SESSION

FINDINGS AND RECOMMENDATIONS



MARCH 29, 1979.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

It has been stated that Oswald claimed to have served in Taiwan. (183) The committee's review of his military records, including unit diaries that were not previously studied by the Warren Commission, indicated, however, that he had not spent substantial time, if any, in Taiwan. These records show that, except for a 3½ month period of service in the Philippines, Oswald served in Japan from September 12, 1957, until November 2, 1958. (184) Although Department of Defense records do indicate that MAG (Marine Air Group) 11, Oswald's unit, was deployed to Taiwan on September 16, 1958, and remained in that area until April 1959, an examination of the MAG 11 unit diaries indicated that Oswald was assigned at that time to a rear echelon unit. (185) The term rear echelon does not, on its face, preclude service with the main unit in Taiwan, but the Department of Defense has specifically stated that "Oswald did not sail from Yokosuka, Japan on September 15, 1958. He remained aboard NAS Atsugi as part of the MAG-11 rear echelon." (186)

Oswald's records also reflect that on October 6, 1958, he was transferred within MAG 11 to a Headquarters and Maintenance Squadron subunit in Atsugi, Japan. (187) He reportedly spent the next week in the Atsugi Station Hospital. (188) On November 2, 1958, Oswald left Japan for duty in the United States. (189)

Accordingly, based upon a direct examination of Oswald's unit diaries, as well as his own military records, it does not appear that he had spent any time in Taiwan. This finding is contrary to that of the Warren Commission that Oswald arrived with his unit in Taiwan on September 30, 1958, and remained there somewhat less time, a week, (190) but the Commission's analysis apparently was made without access to the unit diaries of MAG 11.²⁰

Moreover, even if Oswald, in fact, did make the trip with his unit to Taiwan, it is clear that any such service there was not for a substantial time. The unit arrived at Atsugi on September 30, 1958, and by November 2, 1958, Oswald had left from Japan to complete his tour of duty in the United States. (192)

Finally, with one exception, the circumstances surrounding Oswald's rapid discharge from the military do not appear to have been unusual. Oswald was obligated to serve on active duty until December 7, 1959, but on August 17 he applied for a hardship discharge to support his mother. About 3 weeks later the application was approved. (193) It appeared that Oswald's hardship discharge application was processed so expeditiously because it was accompanied by all of the necessary documentation. In response to a committee inquiry, the Department of Defense stated that "... to a large extent, the time involved in processing hardship discharges applications depended on how well the individual member had prepared the documentation needed for

²⁰ While in contrast to statements attributed to Lieutenant Charles R. Thomas by Zwart to Japan on October 3, 1958. The Secret World of Lee Harvey Oswald," Thomas did not claim to have seen Oswald. (186)

²¹ Similarly, a message sent on November 4, 1959, from the Chief of Naval Operations in Japan and Taiwan, (194) may have been issued without checking unit diaries, which indicated that Oswald had not been so deployed. (195) (196) (197) This explanation why he was able to tell reports of Oswald on that day that he expected to depart the United States for Europe on September 21, 1958.

consideration of his or her case." (196) A review of Oswald's case indicates that his initial hardship discharge application was accompanied by all of the requisite documentation. Oswald had met the preliminary requirements of having made a voluntary contribution to the hardship dependent (his mother) and of applying for a dependent's quarters allotment.²² to alleviate the hardship. (196) Even though all of the supporting affidavits for the quarters allotment had not been submitted at the time that the hardship discharge application was filed, the endorsements on the application indicated that the reviewing officers were aware that both the requisite voluntary contribution and the application for a quarters allotment had been made. (197) Moreover, that application was accompanied by two letters and two affidavits attesting to Marguerite Oswald's inability to support herself. (198)

Documents provided to the committee by the American Red Cross indicate that Oswald had sought its assistance and therefore was probably well advised on the requisite documentation to support his claim. (199) Indeed, Red Cross officials interviewed Marguerite Oswald and concluded that she "could not be considered employable from an emotional standpoint." (200) The Fort Worth Red Cross office indicated a quarters allotment was necessary for Marguerite Oswald, rather than a hardship discharge for Lee, and assisted her in the preparation of the necessary application documents. (201) Nevertheless, Oswald informed the Red Cross office in El Paso, Calif., where he was then stationed, that he desired to apply for a hardship discharge. (202)

The unusual aspect of Oswald's discharge application was that, technically, his requisite application for a quarters allowance for his mother should have been disallowed because Marguerite's dependency affidavit stated that Oswald had not contributed any money to her during the preceding year. (203) Even so, the first officer to review Oswald's application noted in his endorsement, dated August 19, 1959, that "[a] genuine hardship exists in this case, and in my opinion approval of the 'Q' [quarters] allotment will not sufficiently alleviate this situation." (204) This quotation suggests the possibility that applications for quarters allotments and hardship discharges are considered independently of one another. In addition, six other officers endorsed Oswald's application. (205) The committee was able to contact three of the seven endorsing officers (one had died); two had no memory of the event, (206) and one could not recall any details. (207) The committee considered their absence of memory to be indicative of the Oswald case having been handled in a routine manner.

Based on this evidence, the committee was not able to discern any unusual discrepancies or features in Oswald's military record.

(17) *Oswald's military intelligence file.*—On November 22, 1963, soon after the assassination, Lieutenant Colonel Robert E. Jones, operations officer of the U.S. Army's 112th Military Intelligence Group (MIG), Fort Sam Houston, San Antonio, Tex., contacted the FBI offices in San Antonio and Dallas and gave those offices detailed information concerning Oswald and A. J. Itzell, Oswald's alleged alias. (208) This information suggested the existence of a military intelligence

²² A dependent's quarters allotment is one that is jointly paid to the dependent by the serviceman and the service.

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genre file on Oswald and raised the possibility that he had intelligence associations of some kind. (209)

The committee's investigation revealed that military intelligence of-ficer's had opened a file on Oswald because he was perceived as a possible counterintelligence threat. Robert R. Jones testified before the committee that in June 1963 he had been serving as operations officer of the 112th Military Intelligence Group at Fort Sam Houston, Tex. Under the group's control were seven regions encompassing five States: Texas, Louisiana, Arkansas, New Mexico and Oklahoma. Jones was directly responsible for counterintelligence operations, background in-vestigations, domestic intelligence and any special operations in this five-State area. (210) He believed that Oswald first came to his atten-tion in mid-1963 through information provided to the 112th MIG by the New Orleans Police Department to the effect that Oswald had been arrested there in connection with Fair Play for Cuba Committee ac-tivities. (211) As a result of this information, the 112th Military Intel-ligence Group took an interest in Oswald as a possible counterintelli-gence threat. (212) It collected information from local agencies and the military central records facility, and opened a file under the names Lee Harvey Oswald and A. J. Hidell. (213) Placed in this file were documents and newspaper articles on such topics as Oswald's defection to the Soviet Union, his travels there, his marriage to a Russian na-tional, his return to the United States, and his pro-Cuba activities in New Orleans. (214)

Jones related that on November 22, 1963, while in his quarters at Fort Sam Houston, he heard about the assassination of President Kennedy. (215) Returning immediately to his office, he contacted MIG personnel in Dallas and instructed them to intensify their liaisons with Federal, State and local agencies and to report back any information obtained. Early that afternoon, he received a telephone call from Dallas advising that an A. J. Hidell had been arrested or had come to the attention of law enforcement authorities. Jones checked the MIG indexes, which indicated that there was a file on Lee Harvey Oswald, also known by the name A. J. Hidell. (216) Pulling the file, he telephoned the local FBI office in San Antonio to notify the FBI that he had some information. (217) He soon was in telephone contact with the Dallas FBI office, to which he summarized the docu-ments in the file. He believed that one person with whom he spoke was FBI Special Agent-in-Charge J. Gordon Shanklin. He may have talked with the Dallas FBI office more than one time that day. (218)

Jones testified that his last actively with regard to the Kennedy assassination was to write an "after action" report that summarized the actions he had taken, the people he had notified and the times of report included information obtained from reports filed by the 8 to 19 Secret Service in Dallas on the day of the assassination. (220) This "after action" report was then maintained in the Oswald file. (221) Jones did not contact, nor was he contacted by, any other law enforce-

²²⁰ Question had been raised about the contents of some FBI communications on Novem-ber 22, 1963, that reflected information allegedly provided by military intelligence. In this testimony, Jones clarified several points and corrected several errors in these communications.

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ment or intelligence agencies concerning information that he could pro-vide on Oswald. (222) To Jones' knowledge, neither the FBI nor any law enforcement agency ever requested a copy of the military intelli-gence file on Oswald. (223) To his surprise, neither the FBI, Secret Service, CIA nor Warren Commission ever interviewed him. (224) No one ever directed him to withhold any information; on the other hand, he never came forward and offered anyone further information rela-tant to the assassination investigation because he "felt that the infor-mation that [he] had provided was sufficient and . . . a matter of record. . . ." (225)

The committee found Jones' testimony to be credible. His statements concerning the contents of the Oswald file were consistent with FBI communications that were generated as a result of the information that he initially provided. Access to Oswald's military intelligence file, which the Department of Defense never gave to the Warren Com-mission, was not possible because the Department of Defense had destroyed the file as part of a general program aimed at eliminating all of its files pertaining to nonmilitary personnel. In response to a committee inquiry, the Department of Defense gave the following explanation for the file's destruction:

1. Dossier AB 652876, Oswald, Lee Harvey, was identified for deletion from IRR (Intelligence Records and Reports) holdings on Julian date 73060 (1 March 1973) as stamped on the microfilmed dossier cover. It is not possible to determine the actual date when physical destruction was accomplished, but is credibly surmised that the destruction was accom-plished within a period not greater than 60 days following the identification for deletion. Evidence such as the type of dele-tion record available, the individual clerk involved in the identification, and the projects in progress at the time of dele-tion, all indicate the dossier deletion resulted from the imple-mentation of a Department of the Army, Adjutant General letter dated 1 June 1971, subject: Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense (DOD) (Incl 1). Basically, the letter called for the elimination of files on non-DOD affiliated per-sons and organizations.

2. It is not possible to determine who accomplished the actual physical destruction of the dossier. The individual identifying the dossier for deletion can be determined from the clerk number appearing on the available deletion record. The number indicates that Lyndall E. Harp was the identifi-ying clerk. Harp was an employee of the IRR from 1969 until June 1973, at which time she transferred to the Defense Investiga-tive Service, Fort Holabird, Md., where she is still a civil service employee. The individual ordering the destruction or deletion cannot be determined. However, available evidence indicates that the dossier was identified for deletion under a set of criteria applied by IRR clerks to all files. The basis for these criteria were [sic] established in the 1 June 1971 letter. There is no indication that the dossier was specifically iden-tified for review or deletion. All anti-personnel documents that are

reviewed as part of a generally applied program to eliminate any dossier concerning persons not affiliated with DOD.

3. The exact material contained in the dossier cannot be determined at this time. However, discussions with all available persons who recall seeing the dossier reveal that it most probably included: newspaper clippings relating to Cuban activities of Oswald, several Federal Bureau of Investigation reports, and possibly some Army counterintelligence reports. None of the persons indicated that they remember any significant information in the dossier. It should be noted here that the Army was not asked to investigate the assassination. Consequently, any Army-derived information was turned over to the appropriate civil authority.

4. At the time of the destruction of the Oswald dossier, IRIR was operating under the records disposal authority contained in the DOD Memorandum to Secretaries of the Military Departments, OASD(A), 9 February 1972, subject: Records Disposal Authority. (Incl 2). The memorandum forwards National Archivist disposal criteria which is similar in nature to the requirements outlined in the 1 June 1971 instructions. It was not until 1976 that the Archivist changed the criteria to ensure non-destruction of investigative records that may be of historical value. (226)

Upon receipt of this information, the committee orally requested the destruction order relating to the file on Oswald. In a letter dated September 13, 1978, the General Counsel of the Department of the Army replied that no such order existed:

Army regulations do not require any type of specific order before intelligence files can be destroyed, and none was prepared in connection with the destruction of the Oswald file. As a rule, investigative information on persons not directly affiliated with the Defense Department can be retained in Army files only for short periods of time and in carefully regulated circumstances. The Oswald file was destroyed routinely in accordance with normal files management procedures, as are thousands of intelligence files annually. (227)

The committee found this "routine" destruction of the Oswald file extremely troublesome, especially when viewed in light of the Department of Defense's failure to make this file available to the Warren Commission. Despite the credibility of Jones' testimony, without access to this file, the question of Oswald's possible affiliation with military intelligence could not be fully resolved.

(18) *The Oswald photograph in Office of Naval Intelligence files.*—The Office of Naval Intelligence's (ONI) Oswald file contained a photograph of Oswald, taken at the approximate time of his Marine Corps induction. It was contained in an envelope that had on it the marking "REC'D 14 November 1963" and "CIA 77078." (228) These markings raised the possibility that Oswald had been in some way associated with the CIA.

In response to a committee inquiry, the Department of Defense stated that the photograph had been obtained by ONI as a result of

an October 4, 1963 CIA request for two copies of the most recent photographs of Oswald so that an attempt could be made to verify his reported presence in Mexico City. The requested copies, however, were not made available to the CIA until after the President's assassination.¹⁴ Because of the absence of documentation, no explanation could be given for how or when the Office of Naval Intelligence received this particular photograph of Oswald. (229)

The committee's review of CIA cable traffic confirmed that cable No. 77078, dated October 24, 1963, was in fact a request for two copies of the Department of the Navy's most recent photograph of Lee Henry [sic] Oswald. Moreover, review of other cable traffic corroborated the Agency's desire to determine whether Lee Harvey Oswald had, in fact, been in Mexico City. (230)

The committee concluded, therefore, that the ONI photograph of Oswald bearing a reference to the CIA, was not evidence that Oswald was a CIA agent. Again, however, the destruction of the military file on Oswald prevented the committee from resolving the question of Oswald's possible affiliation with military intelligence.

(19) *Oswald in Mexico City.*—The committee also considered whether Oswald's activities in Mexico City in the fall of 1963 were indicative of a relationship between him and the CIA. This aspect of the committee's investigation involved a complete review both of alleged Oswald associates and of various CIA operations outside of the United States. (231)

The committee found no evidence of any relationship between Oswald and the CIA. Moreover, the Agency's investigative efforts prior to the assassination regarding Oswald's presence in Mexico City served to confirm the absence of any relationship with him. Specifically, when apprised of his possible presence in Mexico City, the Agency both initiated internal inquiries concerning his background and, once informed of his Soviet experience, notified other potentially interested Federal agencies of his possible contact with the Soviet Embassy in Mexico City. (232)

Conclusion

Based on the committee's entire investigation, it concluded that the Secret Service, FBI, and CIA were not involved in the assassination. The committee concluded that it is probable that the President was assassinated as a result of a conspiracy. Nothing in the committee's investigation pointed to official involvement in that conspiracy. While the committee frankly acknowledged that its investigation was not able to identify the members of the conspiracy besides Oswald, or the extent of the conspiracy, the committee believed that it did not include the Secret Service, Federal Bureau of Investigation, or Central Intelligence Agency.

¹⁴ As noted, the military file on Oswald, presumably including the ONI photograph, was destroyed by the Department of Defense.